**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO.04 OF 2004**

| Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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Ms Swati S. Borwankar for the Petitioners.

**CORAM : ABHAY S.OKA, J.**
**DATED : JUNE 12, 2007.**

**P.C.:**

1. Heard Advocate for the Petitioners. The breach alleged is of order of temporary injunction granted by this Court restraining the Respondents in First Appeal No.1211 of 2001 from creating third party interests. In the Petition there is no positive averment that third party interests have been created by the concerned Respondents. Only an apprehension is expressed that third party interests might have been created. The other allegation is as regards alleged unauthorised construction carried out by the contemnor Nos.1,3 and 4. The contemnor No.1 has already expired.

2. On the basis of the averments made in the present Contempt Petition, no case is made out for

initiating action against the contemnors under the Contempt of Courts Act, 1971. The learned counsel appearing for the Petitioner submitted that after filing of this Petition, further breaches have been committed by the Respondents of the order passed by this Court. However, the said further breaches are not subject matter of this Contempt Petition and it is for the Petitioners to take out appropriate proceedings in that behalf.

3. Subject to what is stated above, notice issued to the contemnors is discharged. Petition is disposed of.

**JUDGE**